

MEDINA CITY COUNCIL

REGULAR MEETING MINUTES

*August 14, 2006
7:00 pm*

*Medina City Hall
501 Evergreen Point Road*

EXECUTIVE SESSION

The city council convened in executive session at 6:00 pm, for the purpose of labor negotiation discussions per RCW 42.30.110 (1) (g). City Manager Doug Schulze; City Labor Attorney Scott Snyder; and Councilmembers Miles Adam, James Lawrence, Katie Phelps, Robert Rudolph, and Pete Vall-Spinosa were present. No action was anticipated and duration of the session was expected to be one-hour. Executive Session adjourned at 7:00 pm and no action was taken.

CALL TO ORDER

Miles Adam called the August 14, 2006, Medina City Council Regular Meeting to order at 7:06 pm.

ROLL CALL

Present: Miles Adam, James Lawrence, Katie Phelps, Robert Rudolph and Pete Vall-Spinosa

Absent: Lucius Biglow and Drew Blazey

City Staff Present: Douglas Schulze, City Manager; Wayne Tanaka, City Attorney, Ogden Murphy Wallace; Dan Yourkoski, Acting Lieutenant; Joseph Gellings, Director of Development Services; Tim Tobin, City Engineering Consultant; Joe Willis, Director of Public Works; and Rachel Baker, City Clerk

MEETING AGENDA

Mayor announced there would be an executive session following completion of agenda items to discuss legal issue.

ANNOUNCEMENTS

Mayor (7:07 pm)

Mayor extended thanks to the police department for efforts contributed during Medina Days and recognized Finance Officer Jan Burdue for earning the Professional Finance Officer Award from the Washington Finance Officers Association. Adam shared that 2006 council meeting videos are available at City Hall for public review and expressed appreciation to the private individual that has provided the recordings. He revealed that

staff and the city council would address future recording options during this year's budget sessions.

Adam noted a special budget meeting may be held by the city council on Monday, October 23rd and requested councilmembers to reserve the date.

Mayor conveyed the draft environmental impact statement (DEIS) for the SR-520 project was released and a hard copy of the DEIS has been made available at City Hall for public review, in addition to a link from the city Web site to the Washington State Department of Transportation (WSDOT) Web site for online viewing. He indicated the comment period has begun and will end October 2nd and encouraged public comment in addition to individual councilmember comment. Adam said an official comment letter from the city would be drafted and then provided to city council for approval. He further stated that a positional letter and statement will be issued from the Points communities mayors addressed to other eastside communities to encourage them to vote in support of available options which are of importance to the Points communities.

Phelps acknowledged Medina Days chairs Bret and Patty Jordan, and Bruce and Kim Raskin for volunteer efforts co-chairing the event two years in a row. She also thanked the public works staff for preparing for and cleaning up following the celebration and to the many patrons and citizens for time and effort donated to various Medina Days events.

Rudolph suggested council consider placing Initiative 933 on a future agenda for discussion and possible consideration of a city position on the initiative before the fall ballot.

CONSENT AGENDA

MOTION LAWRENCE AND SECOND RUDOLPH TO APPROVE CONSENT AGENDA ITEMS:

- July 2006 Check/Finance Officers Report
- June 12, 2006 City Council Regular Meeting Minutes
- July 10, 2006 City Council Regular Meeting Minutes
- July 24, 2006 City Council Study Session Minutes

MOTION PASSED 5-0, 7:16 PM.

AUDIENCE PARTICIPATION

Mayor opened the floor to audience participation for non-agenda items.

Citizen Wilma Edmonds stated comment will be taken on the WSDOT Web site regarding tolling on I-90, SR-520 and Highway 167 and suggested residents submit concerns before impending closing date.

Citizen Heija Nunn thanked elected officials, city staff and committee members for Medina Days efforts and contributions. She requested draft council minutes be posted on the city

Web site prior to council meetings in order to allow an opportunity for public review of council actions and time to accurately respond before scheduled council meetings and inquired if a public access channel would be included in renewal of the Comcast franchise agreement. Regarding Medina Beach Park project, Mrs. Nunn asked if a permit was granted, if project status information would be disseminated to the public, if appropriate public comment was gathered and if a public hearing was held.

Citizen Stuart Mandel questioned land use and construction public noticing requirements and suggested the city require mailing lists for noticing be obtained from a single source to ensure uniformity and consistency. Resident requested council consider utility undergrounding.

Mayor closed audience participation.

REPORTS

Police Department (7:25 pm)

Acting lieutenant Yourkoski summarized monthly report and said Medina Days went smoothly and parade was well attended.

Development Services (7:27 pm)

Responding to citizen comment, Gellings summarized mailing procedures for public noticing on land use and permitting matters and answered council inquiries regarding issue. Council directed Gellings to provide draft ordinance for real estate sign amendment to sign code to council for review and public hearing.

Public Works Department (7:30 pm)

Willis reported public works project statuses and announced Johnston Architects was selected for providing services for condition survey of existing City Hall and the agreement will be presented to council in September. Willis indicated a Madrona tree in Medina Park would be retained as long as it remains sound, as it has been declared a habitat tree.

Willis conveyed the city has been waiting for permitting from one agency, NOAA, and the Department of Fish & Wildlife may grant an extension to construction window, which ends at the end of September.

Willis said additional irrigation would be needed to maintain city plantings and landscaping, as it currently requires one staff person full time to water. Willis stated public works staff work hard to accomplish a large volume of tasks during summer months and he would be able to provide to council the number of staff hours dedicated to the playground project.

Willis indicated he would look into repairing the washout near dog ramp in Medina Park.

Park Board (7:34 pm)

Heija Nunn reported new boardmember Masayo Arakawa was welcomed during the July meeting and the board discussed its disappointment of council's decision to replace the existing two docks with only one dock at Medina Beach Park.

City Manager (7:36 pm)

Schulze requested council comment by August 18th pertaining to final draft of letter addressed to other city councils within the King County library system. He stated the 2005 year-end financial audit was completed by the state auditor's office and the audit report produced no findings for the fifth year in a row; and the city expects to receive an award in recognition of this accomplishment. Schulze reported the Washington Cities Insurance Authority completed its audit; he briefly summarized the report and answered council inquiries regarding exit items.

Schulze answered council inquiries regarding relocation of the 84th Avenue Northeast bus stop and crosswalk striping. Willis projected crosswalk would be completed prior to commencement of the school year.

PUBLIC HEARING

Comcast Franchise Renewal (7:44 pm)

Schulze summarized proposed five-year and currently expired 15-year franchise agreement, noting and summarizing that negotiations included contract language, customer service standards and cost effectiveness of services. He conveyed a government access channel is addressed in the agreement and defined Comcast's contribution to the channel and how it could be utilized in the city. He stated that negotiations were made as part of a consortium with other local jurisdictions which saved the city money and allowed the city to obtain a better position than if it were negotiating individually.

Mayor opened public hearing at 7:52 pm.

Resident Heija Nunn addressed council regarding public access channel.

Mayor closed public hearing at 7:55 pm and council discussion followed. The second of two public hearings regarding franchise renewal will be held September 11th.

OTHER BUSINESS

Northeast Eighth Street Pedestrian Improvement Project Final Design (8:00 pm)

Mayor summarized history of item. Willis described proposal and design recommendation for improvement project.

Mayor opened the floor to audience participation at 8:05 pm.

Resident Peter Papano expressed he would be in favor of proposed sidewalk, but questioned availability of street parking and stated he would be against availability of additional parking. Willis answered that new parking would be allowed for up to six vehicles at 7749 Northeast Eighth Street, but parking would be excluded during school hours.

Citizen Lisa Fleischman expressed disagreement with proposed recommendation, explaining concerns for safety of general foot-traffic, including children and suggested council reconsider its direction based on findings that were included in the Gibson Traffic Report.

Resident Jeff Johnson questioned council's direction for sidewalk placement, which opposed traffic report recommendation.

Citizen Danya Hill remarked the path as proposed could possibly allow visitors to access school property during school hours, which would violate school rules.

Resident Shawn Whitney expressed she is head of the emergency preparedness committee, staffed on the safety committee, and trains the patrol at Medina Elementary. She conveyed it would be doubtful that approval would be granted to staff patrol at the green store, since there would be no adult supervision at that location.

Citizen Allyson Jackson requested council reconsider its vote to place sidewalk on south side of Northeast Eighth Street and obtain a professional opinion and safety review. She explained school security issues, and suggested the school district and school population was not involved in sidewalk project process. Mrs. Jackson stated green store would be impacted if sidewalk not placed on north side of street and added that a professional safety review was not conducted for south side placement during decision.

Jack McLeod, Director of Facilities, Bellevue School District
12037 Northeast Fifth Street, Bellevue 98005

Mr. McLeod referenced the Gibson Traffic Report and district position that a sidewalk on the north side of Northeast Eighth Street would provide the safest opportunity for children and would not conflict with vehicle traffic on the south side of the street.

Resident Betsy Johnson described existing sidewalks, which already partially exist, on both the north and south sides of Northeast Eighth Street. She stated the only location where a sidewalk does not currently exist is on the north side between Northeast 80th Street and Evergreen Point Road and suggested continuing path at that point.

Citizen Heija Nunn conveyed agreement with comments provided by Ms. Jackson and Ms. Johnson and stated concerns regarding safety. She expressed surprise at council's decision to not pursue further safety information for sidewalk placement on the south side. Mrs. Nunn questioned reasoning behind strong disapproval for north side placement and stressed importance for final decision to be based on safety not common sense choice for the greater good.

Resident Gerry Zyfers suggested that opinions made by those that did not walk to council meeting or that do not have children that walk to Medina Elementary on Northeast Eighth Street should be discounted. He conveyed that sidewalk installation would be an expensive solution in search of a problem and that the current existing walkway is fine, but installing a new walkway without a thorough design study would create a number of problems. He suggested the school pay for the sidewalk.

Mayor closed public comment period at 8:27 pm and discussion followed.

MOTION PHELPS AND SECOND RUDOLPH TO INSTALL A SIDEWALK AS SOON AS POSSIBLE, MATCHING EXISTING SIDEWALK ALONG NORTH SIDE OF NORTHEAST EIGHTH STREET CONNECTING SIDEWALKS AT 80TH AVENUE NORTHEAST AND EVERGREEN POINT ROAD, AS RECOMMENDED BY GIBSON TRAFFIC CONSULTANTS AND AS SAFE POLICY BY CITY COUNCIL, MOTION PASSED 3-1-1 (LAWRENCE OPPOSED AND VALL-SPINOSA ABSTAINED) AT 9:02 PM.

Council recessed for a break at 9:03 pm and the meeting reconvened at 9:11 pm.

Consider Modification to Method of Measuring Building Height (Original Grade) (9:11 pm)

Gellings provided a brief summary to proposal and briefly defined original grade versus finished grade and existing grade. Gellings conveyed planning commission's recommendation to replace all references to "original grade" with references to "pre-existing grade". Council discussion followed.

MOTION VALL-SPINOSA AND SECOND LAWRENCE TO DIRECT STAFF TO SCHEDULE PUBLIC HEARING AND PREPARE DRAFT ORDINANCE, MOTION PASSED 4-0-1 (RUDOLPH ABSTAINED) AT 9:23 PM.

Construction Mitigation Program and Permit Renewal Modifications (9:24 pm)

Gellings summarized planning commission's recommendations and discussion followed.

Planning commission chair Mark Nelson addressed council to further explain planning commission's position on construction mitigation program and permit renewal.

Resident Stuart Mandel commented that the public process currently employed through the construction mitigation program has been an important aspect to him and additionally has appreciated the opportunity to express views to deciding body of the planning commission regarding construction projects.

Citizen Jeff Johnson remarked permit renewal modifications and significant changes to construction mitigation may cause property owners to not seek all required permits or to "artificially" finish construction at 18-months in order to obtain occupancy, and then potentially plan to install finishes following that.

MOTION VALL-SPINOSA AND SECOND RUDOLPH TO EXTEND MEETING ONE HOUR, MOTION PASSED 4-0-1 (LAWRENCE ABSTAINED) AT 10:04 PM.

Discussion continued regarding recommended modifications.

Council requested Gellings to provide an additional option that would include a trigger of less than three million dollars and two thousand cubic yards for comparison with proposed triggers.

Gellings suggested rewriting staff-based triggers that would remove more medium to large size projects from code of conduct to the administrative tailored-plan and council concurred.

Council Agenda Calendar (10:49 pm)

Council agenda calendar discussed.

EXECUTIVE SESSION

MOTION LAWRENCE AND SECOND ADAM TO RECESS INTO EXECUTIVE SESSION FOR AN ESTIMATED TEN MINUTES, MOTION PASSED 5-0 AT 10:52 PM.

The council recessed into executive session for the purpose of discussing a potential legal issue, per RCW 42.30.110 (1) (i) at 10:52 pm, for an estimated time of ten minutes and no action was anticipated. City Councilmembers Adam, Lawrence, Phelps, Rudolph and Vall-Spinosa; City Manager Doug Schulze; and City Attorney Wayne Tanaka were present.

Executive session adjourned and the city council reconvened into regular session at 11:00 pm. No action was taken.

ADJOURNMENT

MOTION AND SECOND TO ADJOURN THE AUGUST 14, 2006 CITY COUNCIL MEETING, MOTION PASSED 5-0 AT 11:00 PM.

The August 14, 2006, Regular Meeting of the Medina City Council adjourned at 11:00 pm.

The next City Council Regular Meeting will be held Monday, September 11, 2006. An Executive Session will begin at 6:00 pm to discuss labor negotiations, per RCW 42.30.110 (1) (g). The public portion of the meeting will begin at 7:00 pm.

Miles R. Adam, Mayor

Attest: _____

Rachel Baker, City Clerk

